

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

3
4
5
6
7
8

9
10
11
12

13

14

16

17	
18	

2.0

21	
22	

1 Rejections under 35 U.S.C. § 112, 1st Paragraph

2 Paragraph 4 of the Action stated rejections of **claims 10-18 and 22-27**
3 under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement
4 requirement. The Applicant respectfully traverses these rejections for the reasons
5 stated below with respect to particular rejected claims.

6 Paragraph 5 of the Action pertained to **claims 10 and 22**. In the interests of
7 advancing prosecution of this matter, and without conceding the propriety of the
8 stated § 112, 1st paragraph rejections, the Applicant has cancelled claims 10 and
9 22, as indicated in the claim listing above. The Applicant thus requests
10 reconsideration and withdrawal of the rejections of claims 10 and 22.

11 Paragraph 6 of the Action pertained to **claims 11, 12, and 23**. In the
12 interests of advancing prosecution of this matter, and without conceding the
13 propriety of the stated § 112, 1st paragraph rejections, the Applicant has cancelled
14 claims 11, 12, and 23, as indicated in the claim listing above. The Applicant thus
15 requests reconsideration and withdrawal of the rejections of claims 11, 12, and 23.

16 Paragraph 7 of the Action pertained to **claims 13-15 and 24**. In the
17 interests of advancing prosecution of this matter, and without conceding the
18 propriety of the stated § 112, 1st paragraph rejections, the Applicant has cancelled
19 claims 13-15 and 24, as indicated in the claim listing above. The Applicant thus
20 requests reconsideration and withdrawal of the rejections of claims 13-15 and 24.

21 Paragraph 8 of the Action pertained to **claims 16, 18, 25, and 27**. In the
22 interests of advancing prosecution of this matter, and without conceding the
23 propriety of the stated § 112, 1st paragraph rejections, the Applicant has amended
24 claims 16, 18, 25, and 27 to clarify the recited subject matter, as indicated in the
25 claim listing above. For example, claim 16 recites in part:

1
2 “further comprising enabling a service response to be determined based on information
3 related to a medical history of the user.”
4

5 The Applicant submits that the specification fully supports the revisions to
6 claims 16, 18, 25, and 27. For example, the specification describes an example of
7 a scenario in which a patient named Steve discusses a medical condition during a
8 videoconference with his physician, and receives treatment for the medical
9 condition because of this conference. Paragraphs [0081] through [0088] describe
10 this example scenario in detail.

11 Paragraph 9 of the Action rejected **claim 2** under § 112, 1st paragraph, as
12 failing to comply with the written description requirement. The Applicant
13 respectfully traverses this rejection.

14 In the interests of advancing prosecution of this matter, and without
15 conceding the propriety of the stated § 112, 1st paragraph rejections, the Applicant
16 has amended claim 2 as indicated above to remove the recitation of “wherein the
17 communication is defined based on rules applicable to the interactions”. The
18 Applicant thus requests reconsideration and withdrawal of the § 112, 1st paragraph
19 rejection of claim 2.
20

21 Rejections under 35 U.S.C. § 112, 2nd Paragraph

22 Paragraph 11 of the Action stated rejections of **claims 1-27** under 35
23 U.S.C. § 112, 2nd paragraph, as failing to particularly point out and distinctly
24 claim the subject matter which applicant regards as the invention. The Applicant
25 respectfully traverses these rejections for the reasons stated below.

1 Paragraph 11 of the Action pertains to **claims 1 and 19**. In the interests of
2 advancing prosecution of this matter, and without conceding the propriety of the
3 stated § 112, 2nd paragraph rejections, the Applicant has amended claims 1 and 19
4 as indicated above. Based on these revisions, the Applicant requests
5 reconsideration and withdrawal of the § 112, 2nd paragraph, rejection of claim 1.
6 Similar clarifications are made to claim 19, and the above comments directed to
7 claim 1 apply equally to claim 19.

8 Paragraph 12 of the Action pertains to **claim 2**. The Applicant respectfully
9 traverses these rejections for the reasons stated below.

10 In the interests of advancing prosecution of this matter, and without
11 conceding the propriety of the stated § 112, 2nd paragraph rejections, the Applicant
12 has amended certain claims. More particularly, claims 16-18 are amended to
13 replace “patient” with “user” for consistency with claim 2. Additionally, claim 3 is
14 amended to depend from claim 1 rather than claim 2.

15 Paragraph 13 of the Action pertains to **claims 5-8**. However, the Applicant
16 submits that the revisions to claim 3 also address these comments directed to
17 claims 5-8.

18 Paragraph 14 of the Action pertains to **claims 9 and 10**. Regarding claim 9,
19 the Applicant has amended claim 9 to delete reference to “outcome information”.
20 Regarding claim 10, as indicated above, the Applicant has cancelled this claim
21 without waiver, prejudice, or disclaimer, in the interest of advancing the
22 prosecution of this matter.

23 Paragraph 15 of the Action pertains to **claims 11 and 12**. However, as
24 indicated above, the Applicant has cancelled these claims without waiver,
25 prejudice, or disclaimer, in the interest of advancing the prosecution of this matter.

1 Paragraph 16 of the Action pertains to **claims 3 and 8**. Regarding claim 3,
2 the Applicant has amended this claim to delete reference to a "service partner".
3 Regarding claim 8, the Applicant has cancelled this claim without waiver,
4 prejudice, or disclaimer, in the interest of advancing the prosecution of this matter.

5 Paragraph 17 of the Action pertains to **claims 9-10 and 21-22**. Regarding
6 claims 9 and 21, the Applicant has amended these claims to delete reference to
7 "outcome information". Regarding claims 10 and 22, as noted above, the
8 Applicant has cancelled these claims without waiver, prejudice, or disclaimer, in
9 the interest of advancing the prosecution of this matter.

10 Paragraph 18 of the Action pertains to **claims 16-18**. As noted above, these
11 claims have been revised to replace "patient" with "user".

12 Based on these comments and revisions, the Applicant requests
13 reconsideration and withdrawal of the § 112, 2nd paragraph, rejections of claims
14 1-27.

15
16 Rejections under 35 U.S.C. § 101

17 Paragraph 20 of the Action stated rejections of **claims 1-27** under 35 U.S.C.
18 § 101. The Applicant respectfully traverses these rejections for the reasons stated
19 below.

20 In the interests of advancing prosecution of this matter, and without
21 conceding the propriety of the stated § 101 rejections, the Applicant has
22 amended claim 1 as indicated above to recite:

23
24 "enabling a service response to the service request to be determined based on the
25 service request option selected by the user;

1 enabling personal services to be provided to the user in accordance with the
2 selected service request option and the determined service response;”.

3
4 Similar revisions are made to independent claim 19. Since claim 20 recites
5 a system, the Applicant submits that the components of the system as recited in
6 claim 20 do not leave any actions to doctors or other human actors.

7 In light of these revisions and comments, the Applicant submits that claims
8 1 and 19-20 do not leave actions to a doctor, or any other human actor, to perform
9 the processes recited therein. These comments also apply equally to all claims
10 depending from claims 1 and 19-20.

11 Based on these comments and revisions, the Applicant requests
12 reconsideration and withdrawal of the § 101 rejections of claims 1-27.

13
14 Rejections under 35 U.S.C. § 102

15 Paragraph 22 of the Action stated rejections of claims 1-3, 9-12, and 16-23,
16 and 25-27 as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No.
17 5,911,132 to Sloane (“Sloane”). The Applicant respectfully traverses these
18 rejections.

19 Turning first to **independent claim 1**, without conceding the propriety of
20 the stated rejections, and without conceding that Sloane provides the teaching for
21 which it is cited, the Applicant has amended claim 1 as indicated above to clarify
22 further features of the computer implemented method. For convenience, the
23 Applicant reproduces a portion of claim 1 here:

1 "inserting at least one reminder related to the personal services into an electronic
2 calendar associated with the user;"

3
4 The Applicant submits that the specification fully supports the revisions to
5 claim 1 at least at Paragraph [0066], a portion of which is reproduced below:

6
7 as women over forty, who do not have a particular procedure, such as a
8 mammogram, listed on their charts, automatically receive e-mail from their
9 physician recommending such a procedure. The system according to the
10 invention can then provide a link to schedule an appointment for such a
11 procedure. The results of the test are automatically routed to the doctor,
12 who assesses the test and notifies the employee patient about the result.
13 The server computer 101 also provides the capability of tracking drug
14 compatibility and compliance by patients and inserting reminders into the
15 patients' calendars for prescription renewals and medical tests. Lab and
16 test results can be made available on-line to the doctor and the employee.
17 Server 101 also updates provider directories and health benefit
18 directories. Another feature available with server computer 101 is "push
19 technology" in which employees who fill out a profile questionnaire can
20 receive information targeted directly in response to their preferences and
21 needs.

22 [0067] As previously noted herein, while the example herein is in the

23 Turning to the cited art, Sloane pertains generally to a method using a
24 central epidemiological database. Without conceding that Sloane provides the
25 teaching for which it is cited in the action, the Applicant submits that Sloane does
not disclose at least the above-quoted feature recited in claim 1.

On at least this basis, the Applicant submits that Sloane does not support a

1 § 102 rejection of claim 1, and requests consideration and withdrawal of the
2 § 102(b) rejection of claim 1.

3 **Claims 2-3, 9, and 16-18** remain pending and depend directly or indirectly
4 from claim 1, and stand rejected on similar grounds. Accordingly, the above
5 comments directed to claim 1 apply equally to these dependent claims.

6 Turning to **independent claims 19 and 20**, the Applicant has amended
7 claims 19 and 20 to clarify additional features of the computer readable storage
8 medium and the system, respectively. The revisions to claims 19 and 20 are
9 similar to the revisions to claim 1 that were discussed above. Thus, the above
10 comments directed above to claim 1 apply equally to claims 19 and 20.

11 On at least this basis, the Applicant submits that Sloane does not support
12 § 102 rejections of claims 19 and 20, and requests consideration and withdrawal of
13 the § 102(b) rejections of claims 19 and 20, and all claims depending therefrom.

14 Claims 21 and 25-27 remain pending and depend from claim 20, and the
15 foregoing comments directed to claim 20 apply equally to claims 21 and 25-27.
16 On at least this basis, the Applicant submits that Sloane does not support § 102
17 rejections of claims 21 and 25-27, and requests consideration and withdrawal of
18 the § 102(b) rejections of these claims.

19
20 Rejections under 35 U.S.C. § 103

21 Paragraph 36 of the Action stated rejections of **claims 4-8** under 35 U.S.C.
22 § 103(a) as being unpatentable over Sloane. The Applicant respectfully traverses
23 these rejections.

24 Claim 8 has been cancelled as indicated above. Claims 4-7 depend from
25 independent claim 1, which was discussed above. Therefore, the comments

1 directed to claim 1 above apply equally to claims 4-7. More specifically, the
2 Applicant submits that Sloane not only fails to support a § 102 rejection of claim 1,
3 but also fails to support a § 103 rejection of claims 4-7.

4 On at least this basis, the Applicant submits that Sloane does not support
5 § 103 rejections of claims 4-7, and requests consideration and withdrawal of the
6 § 103 rejections of claims 4-7.

7 Paragraph 37 of the Action stated rejections of **claims 13-15 and 24**
8 under 35 U.S.C. § 103(a) as being unpatentable over Sloane. As noted above, the
9 Applicant has cancelled claims 13-15 and 24.

10
11 **Conclusion**

12 The Applicant respectfully requests favorable action on the remaining
13 pending claims at the earliest convenience of the Office. If personal discussion
14 would advance prosecution of this application, the Office is urged to contact the
15 undersigned attorney before issuing a subsequent Action.

16
17
18 Date: 7 MAR 07

Respectfully Submitted,

19 By: 

Rocco L. Adornato
Reg. No. 40,480
(509) 324-9256; x257
Lee & Hayes, PLLC